

REMARKS

Claim 1-32 are pending in the subject application. After entry of the above amendment to the claims, claims 1-3, 7, 10, 13, 24 and 25 have been amended. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the above amendments and remarks as set forth herein below.

1. Claims 1-5, 7, 12-16 and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coleman (U.S. 5,370,884) in view of Donsky (U.S. 6,120,202) and Baker (W.O. 00/19803). This rejection is respectfully traversed.

Coleman discloses a combination sucker and edible powder with the sucker 8 exposed. Specifically, Coleman does not disclose a removable cover to cover and protect the sucker according to the claimed combination.

Donsky discloses a nail polish applicator bottle showing dual chambers A, B. Donsky does not disclose a candy sucker connected to an extended upwardly from the cap 3 and a removable cover for covering and protecting the candy sucker according to the claimed combination.

Baker discloses a paint set confectionary having a container 20 and lube 22 as shown in Figure 4. Baker does not disclose a candy sucker connected to and extending upwardly from the lid and a removable cover configured for covering and protecting the candy sucker according to

the claimed combination. Thus, Coleman, Donsky, and Baker alone or in combination do not teach or suggest the claimed invention.

2. Claims 6, 8, 9 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the references as applied to claim 1 above and further in view of Coleman, et al. (U.S. 5,690,535), Par (D 117,455), Perr (D 117,456), Kennedy (U.S. 2,464,515), Overland (U.S. 2,500,006), and Ferguson (U.S. 2,834,685). This rejection is respectfully traversed.

A discussion of Coleman '884, Donsky and Baker is provided above.

Coleman *et al.*, 535, Par, 455, Par, 456, Kennedy, Overland and Ferguson are cited by the Examiner for showing two confectioners in association with each other for variety and/or novelty. None of these references disclose a candy sucker connected to and extending upwardly from a closure and a removable cover configured to cover and protect the candy sucker according to the claimed combination. Thus, all of these references alone or in combination do not teach or suggest the claimed invention.

3. Claims 3 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Gallart et al. (U.S. 6,187,350), Silverstein (U.S. 6,136,352), Schlotter et al. (U.S. 4,914,748) and Chan (U.S. 6,120,816). This rejection is respectfully traversed.

The references to Coleman *et al.* '884, Donsky and Baker are discussed above. Gallart, Silverstein, Schlotter *et al.* and Chan are cited by the Examiner as teaching to associate a confectioner directly to a support/structure without a stick by employing a protrusion so that the confectioner is directly molded to the article.

Gallart *et al.* discloses a combination confectionary product including a plastic container 10, a candy product 13 and a plastic cap 20, as shown in Figures 1 and 2. It is noted that the candy product 13 extends upwardly from the container 10, not the plastic cap 20. Thus, Gallart *et al.* does not disclose a candy sucker connected to and extending upwardly from a closure or a lid and a removable cover configured to cover and protect the candy sucker according to the claimed combination.

Silverstein *et al.* discloses a sanitary novelty product including a barrel or container 10, a candy component 15 and a cap 26, as shown in Figure 1. Silverstein does not disclose a candy sucker connected to and extending upwardly from a lid or closure and a removable cover configured to cover and protect the candy sucker according to claimed combination. It is important to note that the barrel or container 10 is not the same or equivalent to the closure or lid in the claimed combination.

Schlotter *et al.* discloses a novelty flashlight and piece of candy for illumination including a housing 10, an end connector 24 and a candy 26 as shown in Figure 1. It is important to note that the housing 10 is not a container according to the claimed combination (i.e. not configured to contain edible product and/or to be opened to access edible product to be used in

combination with the candy 26). Further, it is thus also noted that the end connector 24 is not a closure or lid, but just a mechanical coupler, since no edible product is stored within the housing 10. Thus, Schlotter *et al.* does not disclose the claimed combination.

Chan discloses a lolly pop with pivot holder as shown in Figure 2. Chan does not disclose a candy sucker connected to and extending upwardly from mounting member 8 and a removable cover configured to cover and protect the candy sucker according to the claimed combination. Thus, all of these references alone or in combination do not teach or suggest the claimed invention.

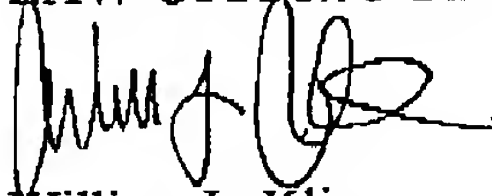
In view of the above amendment and remarks, it is believed that the claims are in condition for allowance and allowance is respectfully requested.

It is not believed that extensions of time are required beyond those that my otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are necessary and hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 11-1243.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 11-1243.

Respectfully submitted,

LAW OFFICES OF WILLIAM L. KLIMA, P.C.



William L. Klima
Attorney for Applicant
Registration No. 32,422

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P. O. Box 2855
Stafford, VA 22555-2855
(540) 657-9344